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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PATSY'S BRAND, INC.,

Plaintiff,

v.

99-CV-10175 (KMW)

I.O.B. REALTY, INC., PATSY'S INC.,  
FRANK BRIJA, JOHN BRECEVICH, and  
NICK TSOULOS,

**ORDER**

Defendants.

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KIMBA M. WOOD, United States District Judge:

By October 11, 2024 at 5 p.m., counsel for Respondent Brian Roffe must submit a letter to the Court providing:

- 1) Any explanation for Mr. Roffe's reliance on RPC Rule 1.7 (ECF No. 497), which relates to conflicts of interest between a lawyer's two clients; and
- 2) A detailed account of any advice Mr. Roffe provided<sup>1</sup> to (1) Mr. Frank Brija, and (2) Mr. Adem Brija, separately, and/or to both at the same time, concerning 4(e) of the Injunction.<sup>2</sup>

SO ORDERED.

Dated: New York, New York  
October 7, 2024

/s/ Kimba M. Wood  
KIMBA M. WOOD  
United States District Judge

<sup>1</sup> It is a well-established principle that when a defendant asserts an advice-of-counsel defense, as Mr. Frank Brija does here, with respect to any subject, he waives any attorney-client privilege that would otherwise attach to the subject. *See, e.g., United States v. Bilzerian*, 926 F.2d 1285, 1292 (2d Cir. 1991).

<sup>2</sup> The Court has reviewed the interrogatory responses Mr. Roffe provided to Plaintiff's counsel, including the email identified by Mr. Roffe as responsive.